

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

CHRISTOPHER COOLEY,

Plaintiff,

vs.

Civil Action 2:11-CV-526
Judge Watson
Magistrate Judge King

VALERO ENERGY CORPORATION, et al.,

Defendants.

ORDER

The Court conferred with counsel for all parties on August 2, 2012.

All claims against and by the Valero entities have been settled and final disposition of those claims awaits approval by Judge Watson. *See Motions to Dismiss*, Doc. Nos. 125, 126, 127.¹

Plaintiff and defendant JATT Bros. have agreed to terms of settlement of plaintiff's claims against that defendant. Dismissal of those claims is expected prior to August 10, 2012.

The discovery issue addressed in the *Order* of July 19, 2012, Doc. No. 121, has been - or will soon be - resolved.

Plaintiff's claims against defendants DT Stores LLC and Demir Tahiraj remain and are addressed in defendants' *Amended Motion for Summary Judgment*, Doc. No. 91. That motion is now fully briefed

¹Although the Valero entities intend to dismiss their third party claims against third party defendant PAP Oil, *Motion to Dismiss*, Doc. No. 126, there had been a suggestion that PAP Oil may assert claims against JATT Bros. *See Order*, Doc. No. 121. Counsel for PAP Oil had no further information as to PAP Oil's intentions in that regard. Should the *Motion to Dismiss*, Doc. No. 126, be granted, PAP Oil will no longer be a party to the action.

and ripe for resolution.

Nationwide Mutual Insurance Company has filed a *Motion to Intervene*, Doc. No. 102, and that motion is now also fully briefed and ripe for resolution.

With the filing of the *Amended Motion for Summary Judgment*, defendants' *Motion for Summary Judgment*, Doc. No. 85, is now moot. The Clerk is **DIRECTED** to remove Doc. No. 85 from the Court's pending motions list. With the filing of plaintiff's response to the *Amended Motion for Summary Judgment*, plaintiff's motion for an extension of time to respond, Doc. No. 110, is now also moot. The Clerk is **DIRECTED** to remove Doc. No. 110 from the Court's pending motions list.

August 2, 2012

s/Norah McCann King
Norah McCann King
United States Magistrate Judge